

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at WINCHESTER

UNITED STATES OF AMERICA )  
v. ) Case No. 4:10-cr-30-001  
JOSHUA A. SIMMONS ) MATTICE / LEE  
                          )

**O R D E R**

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court:

(1) grant Defendant's motion to withdraw his not guilty plea to Count One of the fourteen-count Indictment; (2) accept Defendant's plea of guilty to Count One of the Indictment; (3) adjudicate Defendant guilty of the charges set forth in Count One of the Indictment; (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) find Defendant shall remain in custody until sentencing in this matter [Doc. 279]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 279] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1)     Defendant's motion to withdraw his not guilty plea to Count One of the Indictment is **GRANTED**;
- (2)     Defendant's plea of guilty to Count One of the Indictment is **ACCEPTED**;
- (3)     Defendant is hereby **ADJUDGED** guilty of the charges set forth in Count One of the Indictment;
- (4)     A decision on whether to accept the plea agreement is **DEFERRED** until sentencing;

and

(5) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **Monday, April 4, 2011 at 9:00 a.m.** before the Honorable Harry S. Mattice, Jr.

**SO ORDERED.**

**ENTER:**

/s/Harry S. Mattice, Jr.  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE